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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,391	12/05/2001	Rodney Earl Norwood	7780/16 (P-00303)	6990

7590 09/22/2004

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EXAMINER
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GREEN, CHRISTY MARIE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/005,391

Applicant(s)

NORWOOD, RODNEY

Examiner

Christy M Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1 and 3-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 05 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is a third office action for serial number 10/005391, entitled Mobile Cellular Telephone Tower, filed on December 5, 2001.

#### ***Response to Amendment***

In response to the examiner's office action dated February 24, 2004, the applicant has amended claim 1, and the specification.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the a first cable must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of

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the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The specification stands objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: within claim 1, a first cable is not disclosed and is unclear as to which cable this first cable is supposed to be. Is this the main cable as disclosed to be "52", is it cable "92", or the cable "70", which on page 5, lines 6-8, which precede a description of the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> cables. Until further clarification is made in regards to this limitation, the examiner will interpret the claims as best understood.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrell, Jr., US Patent # 5,537,125 in view of Featherstone, US Patent # 5,168,679, and further in view of Korovesis, US patent # 5,394,162.

Harrell discloses the claimed invention a tower comprising a base (12 – column 2, lines 37-40), a tower (10) connected to the base, the tower including a base segment (14) and at least a first extendable segment (16) operatively connected to a second

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extendable segment (18), a winch (46) or an electric winch (column 3, lines 35-37) connected to the base (column 6, lines 27-30), a first cable (44) connected between the base segment and the first extendable segment (column 6, lines 23-25), a second cable (50) connected between the winch (by 48) and the second extendable segment (column 6, lines 36-37); the winch (46) **being** connected to the first cable (column 6, lines 23-29); the first cable is connected to the second cable (column 6, lines 36-41); the first extendable segment (16) is nestable within the base segment (14); the second extendable segment (18) is nestable within the first extendable segment (16); the tower is movable between a stowed position (figure 3) and an operating position (figure 1 – by 28); a hydraulic motor (28) for moving the tower between the stowed position (figure 3) and the operating position (figure 1); the tower in the stowed position is oriented generally horizontally (figure 3 – column 5, lines 37-38); the tower in operating position is oriented generally vertically (column 5, lines 63-68); and, at least one outrigger (32) connected to the base.

Harrell does not disclose a self-propelled base, a cellular telephone network testing equipment mounted on the tower; the outrigger is hydraulically actuated; and, a generator mounted on the base.

In regards to the self-propelled base, Featherstone teaches that it is known in the art to provide a telescoping tower (10) or antenna (18) for use with a vehicle such as a truck (11- which is interpreted to be a self-propelled base). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the self-propelled base as taught by Featherstone with the tower of Harrell in order to

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illuminate the step of attaching the base of the tower to be transported to another moving vehicle for transport where ever quick erecting telescoping mast are particularly suited for applications and providing a fast setup and teardown with minimal power effort (column 1, lines 21-24).

In regards to the cellular telephone network testing equipment mounted on the tower, Korovesis teaches that it is known in the art to provide a coupler for testing a cellular telephone through an antenna mount. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the same type of coupler for testing a cellular telephone through an antenna mount as taught by Korovesis with the antenna of Harrell, since it has been disclosed in Harrell that when the tower is to be used as an antenna, a connector is provided for attaching the cable from the transmitter (column 4, lines 64-68) and to permit an easy use and high durability coupler for testing cellular telephone equipment (column 1, lines 57-58).

In regards to the outrigger being hydraulically actuated and a generator mounted on the base. It would have been an obvious matter of design choice to have the outrigger being hydraulically actuated and a generator mounted on the base, since the applicant has not stated that these limitations are for any particular purpose and is seems that the invention would work equally well with the parts as cited in the references above.

### ***Response to Arguments***

The applicant's arguments filed June 1, 2004, have been considered, but are not fully persuasive.

In response to applicant's argument that the references (Harrell '125) fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. the winch is not connected to both first and second cables are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 1, recites, "a second cable connected between the winch and the second extendable segment to retract the second extendable segment", and "the winch being connected to the first cable." This is also shown in the applicants drawings, however it is not shown or stated in the claim that the winch is connected to both first and second cables; the second cable may be connected between the winch and the second extendable segment, but not necessarily connected to both first and second cables.

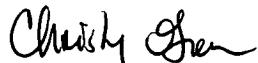
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christy Green  
Patent Examiner  
September 16, 2004